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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,768	07/23/2003	Garry Tsaar		7831

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EXAMINER

HEWITT, JAMES M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,768	<b>Applicant(s)</b> TSAUR, GARRY	
	<b>Examiner</b> James M Hewitt	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/18/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Markle (US 1,933,117).

Markle discloses a method of making a connector with frangible seal comprising the steps of: covering a first end of a first tubular (14) with a thin membrane (15); inserting said first end of said first tubular member into a first end of a tubular cylinder (13); and inserting a second tubular member (11) into a second end of said tubular cylinder; whereby the thin membrane is a frangible seal that acts to separate the cylinder into two sections.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennehey et al (US 4,201,406).

Dennehey et al discloses first tubular (28), second tubular (12), cylinder (34), and frangible seal (18), which is of the same material as the cylinder.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Silbert (US 3,955,833).

Silbert discloses first tubular (34), second tubular (30), cylinder (connected and integral with tabs 26, 28), and frangible seal (32), which is of the same material as the cylinder (see col. 4 lines 39-49); the cylinder first section (as at 26 and 28) has a different wall thickness (portions 26 and 28 are flattened, see col. 4 lines 7-10) than said second section of said cylinder.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennehey et al (US 4,201,406).

Dennehey et al fails to teach that the diameters of the first and second sections may be larger or reduced as claimed in claims 5 and 7. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to so modify Dennehey et al's first and second sections as a matter of design choice, especially given that Applicant offers such configurations as mere alternatives and since it is clear that Dennehey et al's configuration would perform equally as well.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silbert (US 3,955,833).

Silbert fails to teach that the diameters of the first and second sections may be larger or reduced as claimed in claims 5 and 7. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to so modify Silbert's first and second sections as a matter of design choice, especially given that Applicant offers such configurations as mere alternatives and since it is clear that Silbert's configuration would perform equally as well.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennehey et al (US 4,201,406) in view of Bond (GB 2 194 302 A).

Dennehey et al fails to teach that the first and second sections includes protrusions on the inside diameters thereof. Bond teaches a device comprising a sealing sleeve having first and second sections with protrusions on the inside diameters thereof in order to securely retain two inserted tubular members. In view of Bond's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dennehey et al to include protrusions on the inside diameters of the first and second sections in order to securely retain the two inserted tubular members.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silbert (US 3,955,833) in view of Bond (GB 2 194 302 A).

Silbert fails to teach that the first and second sections includes protrusions on the inside diameters thereof. Bond teaches a device comprising a sealing sleeve having first and second sections with protrusions on the inside diameters thereof in order to securely retain two inserted tubular members. In view of Bond's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Silbert to include protrusions on the inside diameters of the first and second sections in order to securely retain the two inserted tubular members.

### ***Response to Arguments***

Applicant's arguments filed 1/18/05 have been fully considered but they are not persuasive.

Regarding Markle (US 1,933,117), Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regarding Dennehey et al (US 4,201,406), Applicant asserts that Dennehey et al fails to provide a seal in either the spike or in the tube surrounding the spike, and that neither the spike nor the tube is separated into a first section and a second section by a frangible seal. The Examiner disagrees. Dennehey et al incorporates a frangible seal (18) on the interior of second tubular (12), the seal, which before being ruptured, acting to seal the axial bore (17). And given the broadest reasonable interpretation, the seal (18), as shown in Figure 2, separates cylinder (34) into two sections, the section of the

cylinder that is below the seal (broken), and the section of the cylinder that is above the seal (broken).

Regarding Silbert (US 3,955,833), Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regarding Bond (GB 2 194 302 A), Applicant argues that Bond fails to disclose a seal. While this may be true, it should be understood that the Examiner has not relied on Bond for a teaching of a seal. Rather, Bond is being used for a general teaching of the use of protrusions on the inside diameters of first and second sections of a pipe coupling sleeve. It is not necessary that Bond include a seal, or particularly a frangible seal, to be properly combinable under 35 U.S.C. 103(a) with Dennehey et al or Silbert.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

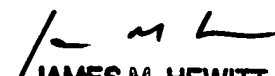
Art Unit: 3679

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 571-272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**